

Environmental Oversight Committee Meeting Minutes

February 4, 2009

Committee Members Present:

Chair Patricia Bates, OCTA Board of Directors
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups
Rose Coffin, Taxpayers Oversight Committee
Cathy Green, OCTA Board of Directors
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish and Wildlife Services
Sylvia Vega, Caltrans
Erin Wilson, CA Department of Fish and Game

Committee Members Absent:

Stephanie Hall, US Army Corps of Engineers
Adam Probolsky, Probolsky Research
Debbie Townsend, California Wildlife Conservation Board
Judy McKeehan, SWCA Environmental Consultants

Orange County Transportation Authority Staff Present:

Ellen Burton
Marissa Espino
Hal McCutchan
Monte Ward
Janice Kadlec

Members of the Public:

Jennifer Robertson, Robert Martin Company, LLC
Lance Lundberg, Prospect Capital Group
Sean Skaggs, Ebbin Moser & Skaggs LLP
Ed Sauls, The Sauls Company
Jack Dangelo, GDC
Michael O'Connell, Irvine Ranch Conservancy

1. Welcome

Chair Patricia Bates welcomed everyone to the meeting and led the pledge of allegiance. Chair Bates announced that there would be three presentations made at the meeting and asked the presenters to hold their presentations to not more than 10 minutes.

2. Minutes

Chair Patricia Bates asked if there were any corrections or changes to the January 7, 2009 Meeting Minutes. There being no corrections, a motion was made by Vice-Chair Melanie Schlotterbeck and seconded by Cathy Green to approve the January 7, 2009 minutes as presented. The motion passed unanimously.

3. Presentation Items

A. Trabuco Ranch

Jennifer Robertson, Robert Martin Company, LLC and Lance Lundberg, Prospect Capital Group, gave a presentation on the Trabuco/Ferber Ranch property, which they would like considered for the Measure M2 comprehensive mitigation program.

Dan Silver asked if there was any time urgency connected to this property. Lance Lundberg replied they hoped to bring in additional financing to push through with a development plan. They are fairly far along and are looking to start significant work in the next six to nine months.

Sylvia Vega asked for the current zoning of the property. Lance Lundberg said the current zoning was residential, 150 parcels.

B. Trabuco Lands Properties

Ed Sauls, The Sauls Company, gave a presentation on the Trabuco Lands property, which they would like considered for the Measure M2 comprehensive mitigation program. The collective of five properties are owned by three different ownerships and totaled 468.79 acres.

C. Restoration and Invasives Control Opportunities in OC Wildlands

Michael O'Connell, Irvine Ranch Conservancy, gave a presentation on opportunities to work with OCTA on ecosystem resilience and restoration priorities as outlined in the M2 comprehensive mitigation program.

4. Master Agreement and Planning Agreement Update

Monte Ward, OCTA Director of Special Projects, gave an update on the Master Agreement and Planning Agreement. At the next meeting the Committee would be asked to approve the Draft Agreements to send to the Board of Directors for approval. Monte presented an approval schedule for Master Agreement and Planning Agreement and introduced Sean Skaggs, Ebbin Moser & Skaggs LLP, who summarized the most recent changes to the Agreements, in particular the final clarification on the planning area.

Dan Silver said the timeline showed approval of the Agreements by the Dept. of Fish and Game on June 30, 2009. What about Fish and Wildlife Service approval? Erin Wilson replied the schedule needs to be amended to read "Dept. of Fish and Game and Fish and Wildlife Service Approval June 30, 2009".

Vice-Chair Melanie Schlotterbeck commented that the Committee had come a long way in getting the documents in place and she wanted acknowledge OCTA's and Sean Skaggs' hard work in taking the Committee's comments and incorporating them into the documents.

Dan Silver said OCTA has done a wonderful job of moving the documents through; it has been a very orderly process.

Vice-Chair Melanie Schlotterbeck asked if the information on the ability of Caltrans to sign the HCP/NCCP Agreement. Monte said they are still trying to resolve this. Sylvia Vega said she is trying to get clarification from the regulatory agencies on what Caltrans' role should be.

5. Conservation Strategic Implementation Plan Scope of Work

Hal McCutchan, OCTA Environmental Program Manager, presented the Conservation Strategic Implementation Plan Scope of Work. The scope of work was divided into two phases. Phase 1: Conservation Strategic Implementation Plan, and Phase 2: HCP/NCCP/MSAA Joint Programmatic EIR/EIS.

Vice-Chair Melanie Schlotterbeck asked if the Sub-Committee would be working on this and then bringing it back to the EOC for approval. Monte Ward said staff would like some general direction from the EOC to refine the scope of work at the task force level so the RFP can be released at the end of the month.

Dan Silver said it seems there are two goals in this process. One goal is to do the due diligence in the planning area and this will take time. The second goal is to get something accomplished. These two goals are in conflict and a way needs to be found to integrate the two goals. Timing is critical and some things may be lost if action is not taken in an opportune manner. He asked if there is a process to do early acquisitions.

Cathy Green said she did not believe there is a great need for urgency at present because of the economy. Most of the developers have backed off because they cannot get funding. This could all change with the Federal Stimulus Plan but at the present time there is no need for quick decisions. The better plan is to choose and prioritize the project so they are ready to go.

Chair Patricia Bates suggested having internal workshops where the review and prioritization of the projects can be accelerated. She asked staff to contact the working group, come up with some ideas, and bring them to the next meeting.

Monte Ward said the agreements will be in place by the start of the fiscal year and a recommendation will be made to the OCTA Board to appropriate money. The Agreements will stipulate that under certain conditions the money can be expended for acquisitions and/or restoration prior to the completion of the HCP/NCCP process. Dan Silver is correct, a decision will need to be made on some kind of process for early evaluation of property. Part of the prioritization process will be deciding if there are some areas where timing is sensitive. This is the next step in the process and staff can work with the task force to provide recommendations. If Phase one of the Conservation Strategic Implementation Plan can begin, the consultant can be hired and can help with the process. By the end of June or early July there should be something to recommend.

Sylvia Vega reiterated that the primary purpose of the mitigation program is to assist OCTA and Caltrans in delivering transportation projects. From the project level, she deals with time sensitive freeway projects that are underway and they need to rely on mitigation immediately. She also said she agrees that the time is to buy, but there is a need to document as well.

Chair Patricia Bates asked Monte to take this information back to the Working Group and come back to the next EOC meeting with a response on how to achieve this.

6. Property Inventory Update

Ellen Burton, OCTA Executive Director of External Affairs, presented an inventory list of properties recommended for considered for the Measure M2 comprehensive mitigation program. Ellen said a total of 19 submittals have been received totaling approximately 60,000 acres from 10 cities and various unincorporated areas.

Vice-Chair Melanie Schlotterbeck commented, it was previously agreed, prospective projects previously identified on the green vision map, need not fill out the paperwork. As a result, there are more than 45 projects.

Dan Silver briefly wanted to acknowledge the importance of the Irvine Ranch presentation. Acquisitions need to be prioritized. The process of having a programmatic restoration program in place had a lot of merit.

Erinn Wilson asked to have a column added to the matrix indicating what the applicants are requesting.

Ellen Burton asked how the Committee wanted to handle requests from other presenters. Chair Patricia Bates said she would rather have a Workshop where more time can be devoted to this specific area. Monte Ward suggested developing a Workshop concept, providing guidelines for what the presenters should present, and trying to accommodate the Committee member's schedules as best as possible.

7. Public Comments

Michael O'Connell, Irvine Ranch Conservancy, added a quick clarification on the Orange County Property Inventory Recommendations handout. He suggested we clarify which properties were being submitted for restoration and which properties were being submitted for acquisition so the acreage breakdown was more clear.

8. Next Meeting – March 4, 2009

9. Committee Member Reports

There were no further reports from Committee members.

10. Adjournment

The meeting adjourned at 11:15 am.